

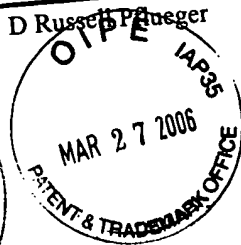


# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
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U.S. APPLICATION NUMBER NO. 10/541,255	FIRST NAMED APPLICANT D Russell P. Rieger	ATTY. DOCKET NO. D-3077CIP
INTERNATIONAL APPLICATION NO. PCT/US03/41560		
I.A. FILING DATE 12/30/2003		PRIORITY DATE 12/30/2002

Frank J Uxa  
Stout Uxa Buyan & Mullins  
4 Venture  
Suite 300  
Irvine, CA 92618



CONFIRMATION NO. 4881  
371 FORMALITIES LETTER  
\*OC000000018011433\*

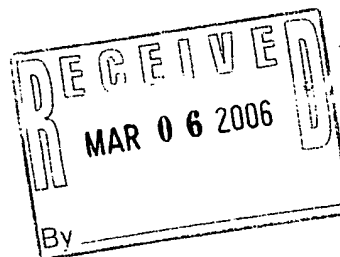
Date Mailed: 02/28/2006

*Response Due 4/28/06*

## NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 06/29/2005
- Copy of the International Search Report filed on 06/29/2005
- Preliminary Amendments filed on 06/29/2005
- Small Entity Statement filed on 06/29/2005
- U.S. Basic National Fees filed on 06/29/2005
- Priority Documents filed on 06/29/2005



The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

### SUMMARY OF FEES DUE:

Total additional fees required for this application is \$65 for a Small Entity:

- \$65 Surcharge.

03/28/2006 HTECKLU1 00000013 10541255

01 FC:2051

65.00 DP

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

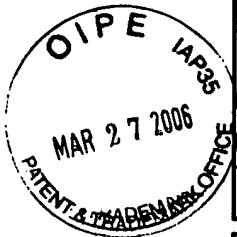
FREDERICK SMITH

Telephone: (703) 308-9140 EXT 210

**PART 1 - ATTORNEY/APPLICANT COPY**

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/541,255	PCT/US03/41560	D-3077CIP

FORM PCT/DO/EO/905 (371 Formalities Notice)



# TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number	10/541,255
Filing Date	December 30, 2003 (I.A.)
First Named Inventor	Pflueger et al.
Group Art Unit	Unknown
Examiner Name	Unknown
Total Number of Pages in This Submission	6
Attorney Docket Number	D-3077CIP

## ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form (in duplicate)	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input checked="" type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below)
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	Copy of Notification of Missing Requirements and Executed Declaration
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> Landscape Table on CD	
<input checked="" type="checkbox"/> Response to Missing Parts/ Incomplete Application	Remarks	
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Stout, Uxa, Buyan & Mullins, LLP		
Signature			
Printed Name	Frank J. Uxa		
Date	3/23/06	Reg. No.	25,612

## CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO at fax number 571-273-8300, or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Signature			
Typed or printed name	JANET MCGHEE	Date	3/23/06

The information contained in this facsimile message is privileged and confidential information intended for the use of the individual or entity named above. If the reader of this message is not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this fax in error, please immediately notify us by telephone and return the original message to us at the above address via the U.S. Postal Service.

# FEE TRANSMITTAL for FY 2005

*Patent fees are subject to annual revision.*

*Complete if Known*

Application Number	10/541,255
Filing Date	December 30, 2003 (I.A.)
First Named Inventor	Pflueger et al.
Examiner Name	Unknown
Art Unit	Unknown
Attorney Docket No.	D-3077CIP

☒ Application claims small entity status. See 37 CFR 1.27

**TOTAL AMOUNT OF PAYMENT** (\$) 65.00

**METHOD OF PAYMENT** (check all that apply)

☒ Check    ☐ Credit Card    ☐ Money Order    ☐ None    ☐ Other (please identify): \_\_\_\_\_  
☒ Deposit Account    Deposit Account Number 21-0890    Deposit Account Name Frank J. Uxa  
 For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)  
☐ Charge fee(s) indicated below    ☐ Charge fee(s) indicated below, except for the filing fee  
☒ Charge any additional fee(s) associated with this communication    ☒ Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

**FEE CALCULATION**

**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	
<b>Subtotal (1)</b>							<b>0</b>

**2. EXCESS CLAIM FEES**

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 or, for Reissues, each claim over 20 and more than in the original patent	50	25
Each independent claim over 3 or, for Reissues, each independent claim more than in the original patent	200	100
Multiple Dependent Claims	360	180
<b>Total Claims</b>		
-20 or HP = _____ x _____		
HP = highest number of total claims paid for, if greater than 20		
<b>Indep. Claims</b>		
-3 or HP = _____ x _____		
HP = highest number of independent claims paid for, if greater than 3		
<b>Subtotal (2)</b>		<b>0</b>

**3. APPLICATION SIZE FEE**

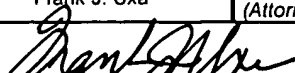
If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
_____ -100 = _____	/50= _____	(round up to a whole number)	x _____ = _____	
<b>Subtotal (3)</b>				<b>0</b>

**4. OTHER FEE(S)**

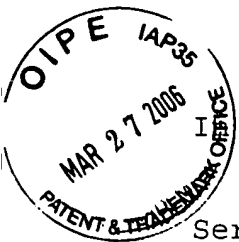
<input checked="" type="checkbox"/> Surcharge - Late filing fee or oath/declaration: \$130 fee (\$65 small entity discount)	65.00
<input type="checkbox"/> Non-English Specification: \$130 fee (no small entity discount)	
<input type="checkbox"/> 1-month extension of time: \$120 fee (\$60 small entity discount)	
<input type="checkbox"/> 2-month extension of time: \$450 fee (\$225 small entity discount)	
<input type="checkbox"/> 3-month extension of time: \$1020 fee (\$510 small entity discount)	
<input type="checkbox"/> 4-month extension of time: \$1590 fee (\$795 small entity discount)	
<input type="checkbox"/> 5-month extension of time: \$2160 fee (\$1080 small entity discount)	
<input type="checkbox"/> Information Disclosure Statement Fee: \$180 fee (no small entity discount)	
<input type="checkbox"/> Notice of Appeal: \$500 fee (\$250 small entity discount)	
<input type="checkbox"/> Filing a Brief in Support of Appeal: \$500 fee (\$250 small entity discount)	
<input type="checkbox"/> Request for Oral Hearing: \$1000 fee (\$500 small entity discount)	
<input type="checkbox"/> Utility Issue Fee: \$1400 fee (\$700 small entity discount)	
<input type="checkbox"/> Recording each patent assignment per property (times number of properties): \$40 fee (no small entity fee discount)	
<input type="checkbox"/> Request for Continued Examination: \$790 fee (\$395 small entity discount)	
<input type="checkbox"/> Other: _____	
<b>Subtotal (4)</b>	<b>65.00</b>

**SUBMITTED BY**

Name (Print/Type)	Frank J. Uxa	Registration No. (Attorney/Agent)	25,612	Telephone	949-450-1750
Signature				Date	3/23/06



D-3077CIP



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
PATENT

I re application of:

D. RUSSELL PFLUEGER

) Group Art Unit: Unknown

Serial No. 10/541,255

) Examiner: Unknown

I.A. Filing Date: December 30, 2003

For: APPARATUS AND METHODS FOR  
TREATING SLEEP APNEA

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450, on or before

March 23, 2006

Date

Janet McGhee

LETTER

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the Notification of Missing Requirements mailed February 28, 2006, enclosed a copy of the Notice and the executed Declaration in the above-identified application.

Enclosed is a check in the amount of \$65.00 to cover the surcharge. Please charge any deficiency or credit any overpayment to Deposit Account No. 21-0890.

Respectfully submitted,

Frank T. Uxa  
Attorney for Applicant  
Reg. No. 25,612  
4 Venture, Suite 300  
Irvine, CA 92618  
(949) 450-1750  
Facsimile (949) 450-1764